

TO: The Honorable Board of Supervisors

FROM: F. Craig Meadows, County Administrator
L. Carol Edmonds, Assistant County Administrator

DATE: March 28, 2011

SUBJECT: AGENDA REPORT

I. CALL TO ORDER

II. INTO CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2011-013
- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body
1. Old Elliston Fire Station
- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body
1. New River Valley Emergency Communications Regional Authority

III. OUT OF CLOSED MEETING

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

IV. CERTIFICATION OF CLOSED MEETING

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

NAYS

ABSENT DURING VOTE

ABSENT DURING MEETING

V. INVOCATION

VI. PLEDGE OF ALLEGIANCE

VII. PRESENTATION

**A. SUBJECT: RESOLUTION OF APPRECIATION
DR. JODY HERSHEY**

Resolution of Appreciation – Dr. Jody Hershey

The Board of Supervisors will present a resolution of appreciation to Dr. Jody Hershey. Dr. Hershey served as the Director of the New River Health District for 15 years.

VIII. DELEGATION

A. SUBJECT: ANIMAL MANAGEMENT ISSUES

Animal Management Issues

The following agencies will update the Board on their program for animal management:

1. Mountain View Humane –Waldron-Ricci Spay Neuter Clinic (Kelly Cass)
2. Friends of Animal Care and Control (Jason Shelton)

IX. PUBLIC HEARINGS

A. SUBJECT: BOARD OF SUPERVISORS

The following public hearings were advertised pursuant to law in the Current Section of the Roanoke Times on March 2 and March 9, 2011:

1. Rezoning – Huckleberry Ridge, LLC – CONTINUED TO APRIL 25, 2011
A request by Huckleberry Ridge, LLC (Agent: Bluestone Land, LLC) for rezoning of approximately 48 acres from Agriculture (A1) to Residential Multi-family (RM-1) with possible proffered conditions, to allow 388 multi-family residential dwellings and approximately 15 acres from Agriculture (A1) to Residential (R3), with possible proffered conditions, to allow 40 lots for single/two-family residential dwelling units. The property is located south east of the intersection of Merrimac Road (Rte.657) and Hightop Road (Rte. 808) and is identified as Tax Parcel Nos. 067-A-42, 66-A-91, 92, & 67-A-229 (Acct # 010583, 010584, 010585, & 035616) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Urban Expansion in the Comprehensive Plan with a proposed gross density of four (4) dwelling units per acre. See TAB A.
2. Special Use Permit – Martin Investments (Agent: Dewayne Martin)
A request by Martin Investments (Agent: Dewayne Martin) for a special use permit on 0.78 acres in an Agricultural (A-1) zoning district to allow a private campground and recreational vehicle park. The property is located at 2611 Big Falls Road (Rte. 625) and is identified as Tax Parcel No. 035-7-1 (Acct # 010426) in the Prices Fork Magisterial District (District E). The property currently lies in an area designated as Rural in the 2025 Comprehensive Plan. See TAB B.

3. Rezoning – Montgomery County

A request by Montgomery County for rezoning of approximately 0.105 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales. The property is located at 1870 Big Spring Drive and is identified as Tax Parcel No. 59A-A-31(Acct # 070714) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston-Lafayette Village Plan. See TAB C.

4. Rezoning – Kim Taylor & Kenneth Ford

A request by Kim Taylor & Kenneth Ford (Agent: MVC Foundation) for rezoning of approximately 0.12 acres from Agriculture (A1) to General Business (GB), with possible proffered conditions, to allow retail sales and approximately 0.494 acres from Agriculture (A1) to Residential (R-3), with possible proffered conditions, to allow a single or two-family dwelling. The property is located at 1860 Big Spring Drive and is identified as Tax Parcel No. 59A-A-4-2* (Acct # 008389) in the Shawsville Magisterial District (District C). The property currently lies in an area designated as Village Expansion in the 2025 Comprehensive Plan and further described as Mixed Use within the Elliston-Lafayette Village Plan. See TAB D.

X. PUBLIC ADDRESS

XI. ADDENDUM

XII. CONSENT AGENDA

XIII. OLD BUSINESS

A. SUBJECT: ORDINANCE – VACATING A FIFTY FOOT EASEMENT

**ORD-FY-11-
AN ORDINANCE VACATING A FIFTY FOOT EASEMENT
FOR INGRESS, EGRESS AND PUBLIC UTILITY DEDICATED
TO THE COUNTY BY PLAT RECORDED IN PLAT BOOK 27, PAGE 88**

WHEREAS, By Plat recorded in Plat Book 27, page 88 in the Montgomery County Circuit Court Clerk's Office, a fifty (50) foot Easement for Ingress, Egress and Public Utility ("the Easement") was dedicated to the County; and

WHEREAS, Because the Easement was intended to be a private ingress, egress easement and not a public easement the Board of Supervisors desires to vacate the Easement; and

WHEREAS, Pursuant to the authority granted by Section 15.2-2270 of the 1950 Code of Virginia, the Board desires to vacate the Easement and replace the Easement with a private ingress and egress easement by approving the recordation of the proposed plat entitled "Compiled Plat of Boundary Line Revision and Private 50' Easement For Ingress and Egress Between Robert L. and Geneva T. Davis and Brush Mountain Estates, L.L.C.

NOW, THEREFORE, BE IT ORDAINED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby authorizes the vacation of the 50 foot Easement for Ingress, Egress and Public Utility that was dedicated to the County by Plat Book 27, page 88, and further authorizes the recordation of the plat entitled "Compiled Plat of Boundary Line Revision and Private 50' Easement for Ingress and Egress Between Robert L. and Geneva T. Davis and Brush Mountain Estates, LLC" vacating the Easement and that the Montgomery County subdivision agent is authorized to sign the said Plat on behalf of the County of Montgomery with said Plat incorporated and made a part of this Ordinance.

ISSUE/PURPOSE: An Ordinance Vacating a Fifty Foot Easement for Ingress, Egress and Public Utility Dedicated to the County by Plat Recorded in Plat Book 27, Page 88.

JUSTIFICATION: See TAB F.

XIV. NEW BUSINESS

A. SUBJECT: SCHEDULE PUBLIC HEARING

**R-FY-11-
SCHEDULE PUBLIC HEARING
REDISTRICTING ORDINANCE**

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules a public hearing for Monday April 25, 2011 at 7:15 or soon thereafter in the Board Room at the Montgomery County Government Center, 755 Roanoke Street, Christiansburg, Virginia, in order to hear citizen comments on the proposed Ordinance Amending and Reestablishing the Election Districts, Election Precincts and Polling Places for the County of Montgomery, Virginia, based on the 2010 U. S. Census.

ISSUE/PURPOSE: To schedule a public hearing. See TAB G for copies of the maps outlining the proposed districts.

B. SUBJECT: RINER VOLUNTEER RESCUE SQUAD

**R-FY-11-
RESOLUTION ACKNOWLEDGING AND CONFIRMING
THE ESTABLISHMENT OF AN
INDEPENDENT RESCUE SQUAD
IN THE RINER AREA OF MONTGOMERY COUNTY, VIRGINIA**

WHEREAS, On September 13, 2004 the Montgomery County Board of Supervisors approved the concept of the Christiansburg Rescue Squad operating a satellite station in the Riner area; and

WHEREAS, In June 2010 the Montgomery County Fire and Rescue Commission made a request to the County Administrator that a rescue squad independent of the Christiansburg Rescue Squad be formed to serve the Riner area of the County of Montgomery; and

WHEREAS, Section 15.2-955 of the Code of Virginia states that no volunteer rescue squad shall be established in any locality without prior approval of the governing body; and

WHEREAS, On June 28, 2010 the Board of Supervisors requested and supported the creation of a rescue squad in the Riner area independent of the Christiansburg Rescue Squad; and

WHEREAS, The Board of Supervisors directed and authorized the County Administrator to appoint an advisory oversight committee to oversee both the creation of the new Rescue Squad in the Riner area and the transition of service from the Christiansburg Rescue Squad to the new Riner Volunteer Rescue Squad.; and

WHEREAS, On March 14, 2011 the Office of Emergency Medical Services declared the Riner Volunteer Rescue Squad had made application and stood for an inspection, all of which the squad passed successfully, and deemed the Riner Volunteer Rescue Squad to be operational as an independent rescue squad on March 15, 2011.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby acknowledges and confirms the Riner Volunteer Rescue Squad is duly operational and licensed to serve the Riner area of Montgomery County.

ISSUE/PURPOSE: Acknowledgement and confirmation by the BoS that the Riner Volunteer Rescue Squad is operational and qualified to serve as an independent rescue squad.

JUSTIFICATION: The Code of Virginia requires prior approval by the local governing body to establish a volunteer rescue squad. On June 28th the BoS supported the creation of a rescue squad in the Riner area independent of the Christiansburg Rescue Squad. On March 15, 2011 the Office of Emergency Medical Services declared the Riner Volunteer Rescue Squad to be operational as an independent rescue squad.

C. SUBJECT: RESOLUTION TO DISSOLVE THE TOWING ADVISORY BOARD

**R-FY-11
RESOLUTION TO DISSOLVE THE TOWING
ADVISORY BOARD**

WHEREAS, The Towing Advisory Board was established by resolution of the Board of Supervisors on July 12, 2004 to act in an advisory capacity and make recommendations to the Board of Supervisors on issues relating to rates to be charged by towing or recovery operators for towing within the County; and

WHEREAS, In July 2006 Chapter 28 of Title 46.2 of the Code of Virginia established the State Board of Towing and Recovery Operators and provides that this board shall have the power and duty to enforce compliance with the requirements of Chapter 28 relating to towing and recovery operators and tow truck drivers; and

WHEREAS, The State Board of Towing and Recovery Operators is responsible for the oversight of towing and recovery operators, and tow drivers, in the state for (1) qualification and licensing purpose, (2) for consensual towing (requested by the owner), (3) non-consensual towing (removal of an unauthorized vehicle from private property), and (4) police ordered towing for public safety purposes; and

WHEREAS, Local complaints are now being forwarded to the State Board of Towing and Recovery Operators since they are responsible for licensing and regulation of towing and recovery operators and for fielding complaints against the license holders.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the Board of Supervisors hereby DISSOLVES THE MONTGOMERY COUNTY TOWING ADVISORY BOARD.

ISSUE/PURPOSE: Dissolve the Towing Advisory Board.

JUSTIFICATION: Lt. St. Clair of the Sheriff's Office, Chair of the Towing Advisory Board, reports that he has been forwarding complaints to the State Board of Towing and Recovery Operators. He said this is the licensing board which all towing agencies must be licensed through, and suggested that we continue this practice since the state board is responsible for fielding complaints against the license holders (it is similar to the contractors licensing board which receives and reviews complaints against contractors). There was no state board at the time when the BoS established the Towing Advisory Board in 2004.

D. SUBJECT: PROCLAMATION – NATIONAL LIBRARY WEEK

**R-FY-11-
PROCLAMATION
NATIONAL LIBRARY WEEK
APRIL 10-16, 2011**

WHEREAS, Libraries provide free access to all – from books and online resources for families to library business centers that help support entrepreneurship and retraining; and

WHEREAS, Our nation's school, academic, public and special libraries make a difference in the lives of millions of Americans today, more than ever; and

WHEREAS, Librarians are trained professionals, helping people of all ages and backgrounds find and interpret the information they need to live, learn and work in a challenging economy; and

WHEREAS, Libraries are helping level the playing field for job seekers, with 88% of public libraries providing access to job databases and other online resources; and

WHEREAS, Our public libraries in Blacksburg, Christiansburg and Shawsville are places of opportunity providing programs that teach all forms of literacy, promoting continuing education and encouraging lifelong learning; and

WHEREAS, In times of economic hardship, Americans turn to – and depend on – their libraries and librarians; and

WHEREAS, Libraries, librarians, library workers and supporters across America are celebrating National Library Week.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby proclaims April 10-16, 2011 as National Library Week and encourages all residents to visit the library this week to take advantage of the wonderful library resources available to them.

ISSUE/PURPOSE: Resolution proclaiming National Library Week.

JUSTIFICATION: National Library Week is April 10-16, 2011. This proclamation was added to the agenda at the request of Paula Alston, Library Director.

XV. INTO WORK SESSION

BE IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Eagle Rock Subdivision – Request for Private Streets (TAB H)

XVI. OUT OF WORK SESSION

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

XVII. COUNTY ATTORNEY’S REPORT

XVIII. COUNTY ADMINISTRATOR’S REPORT

1. Road Viewers
2. FY 12 VDOT Revenue Sharing Program
3. Paperless e-agendas

XIX. BOARD MEMBERS' REPORT

1. Supervisor Perkins
2. Supervisor Brown
3. Supervisor Biggs
4. Supervisor Marrs
5. Supervisor Muffo
6. Supervisor Creed
7. Supervisor Politis

XX. OTHER BUSINESS

XXI. ADJOURNMENT

FUTURE MEETINGS

Special Meeting
Public Hearing on Advertised Real Estate Tax Rate and
Proposed FY 12 Budget
Thursday, March 31, 2011
6:00 p.m.

Special Meeting
Muldrow and Associates Update
on Master Plan for OBMS Property
Monday, April 4, 2011
6:00 p.m.

Regular Meeting
Monday, April 11, 2011
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda

Adjourned Meeting
Monday, April 25, 2011
6:00 p.m. – Closed Meeting Items
7:15 p.m. Regular Agenda